

1-1 By: Deuell S.B. No. 464
1-2 (In the Senate - Filed February 11, 2013; February 13, 2013,
1-3 read first time and referred to Committee on Finance;
1-4 March 13, 2013, reported favorably by the following vote:
1-5 Yeas 15, Nays 0; March 13, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Williams	X		
1-9	Hinojosa	X		
1-10	Deuell	X		
1-11	Duncan	X		
1-12	Eltife	X		
1-13	Estes	X		
1-14	Hegar	X		
1-15	Huffman	X		
1-16	Lucio	X		
1-17	Nelson	X		
1-18	Patrick	X		
1-19	Seliger	X		
1-20	West	X		
1-21	Whitmire	X		
1-22	Zaffirini	X		

1-23 A BILL TO BE ENTITLED
1-24 AN ACT

1-25 relating to the dismissal of complaints against property tax
1-26 professionals.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Section 1151.204, Occupations Code, is amended
1-29 to read as follows:

1-30 Sec. 1151.204. DISMISSAL OF COMPLAINTS [~~COMPLAINT RELATING~~
1-31 ~~TO APPRAISED VALUE~~]. (a) After investigation, the department may
1-32 dismiss a complaint, in part or entirely, without conducting a
1-33 hearing if ~~[+]~~

1-34 [~~(1)~~] the complaint [~~challenges only the appraised~~
1-35 ~~value of a property or another matter for which Title I, Tax Code,~~
1-36 ~~specifies a remedy and~~] does not credibly allege a violation of this
1-37 chapter or the standards established by the commission for
1-38 registrants under this chapter ~~[, and~~

1-39 [~~(2)~~ the disagreement has not been resolved in the
1-40 complainant's favor by an appraisal review board or court].

1-41 (b) After investigation, the department shall dismiss a
1-42 complaint, in part or entirely, without conducting a hearing if:

1-43 (1) the complaint challenges:

1-44 (A) the imposition of or failure to waive
1-45 penalties or interest under Sections 33.01 and 33.011, Tax Code;

1-46 (B) the appraised value of a property;

1-47 (C) the appraisal methodology;

1-48 (D) the grant or denial of an exemption from
1-49 taxation; or

1-50 (E) any matter for which Title 1, Tax Code,
1-51 specifies a remedy, including an action that a property owner is
1-52 entitled to protest before an appraisal review board under Section
1-53 41.41(a), Tax Code; and

1-54 (2) the subject matter of the complaint has not been
1-55 finally resolved in the complainant's favor by an appraisal review
1-56 board, a governing body, an arbitrator, a court, or the State Office
1-57 of Administrative Hearings under Section 2003.901, Government
1-58 Code.

1-59 (c) This section does not apply to:

1-60 (1) a matter referred to the department by the
1-61 comptroller under Section 5.102, Tax Code, or a successor statute;

2-1 (2) a complaint concerning a registrant's failure to
2-2 comply with the registration and certification requirements of this
2-3 chapter; or

2-4 (3) a complaint concerning a newly appointed chief
2-5 appraiser's failure to complete the training program described by
2-6 Section 1151.164.

2-7 SECTION 2. The change in law made by this Act to Section
2-8 1151.204, Occupations Code, applies only to a complaint filed on or
2-9 after the effective date of this Act. A complaint filed before that
2-10 date is governed by the law in effect on the date the complaint was
2-11 filed, and the former law is continued in effect for that purpose.

2-12 SECTION 3. This Act takes effect immediately if it receives
2-13 a vote of two-thirds of all the members elected to each house, as
2-14 provided by Section 39, Article III, Texas Constitution. If this
2-15 Act does not receive the vote necessary for immediate effect, this
2-16 Act takes effect September 1, 2013.

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